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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/395,666 09/14/99 MAFUNE

T 9281-3411

000757 MM71/0828
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EXAMINER

NGUYEN, D
ART UNIT PAPER NUMBER

2871
DATE MAILED:

08/28/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/395,666

Applicant(s)

Mafune

Examiner

Dung Nguyen

Art Unit

2871



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Aug 10, 2001
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

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DETAILED ACTION

The request filed on 08/10/2001 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/395,666 is acceptable and a CPA has been established. An action on the CPA follows.

Specification

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claim 1 recites the limitation "the black coating" in line 13. There is insufficient antecedent basis for this limitation in the claim.
4. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 2, it is confusing and unclear what is meant by "an absorption axis of the polarizing plate is inclined to a delay axis of the phase plate ..." (line 10), "the delay axis of

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the phase plate is inclined to an alignment direction ..." (line 13), "an absorption axis of the reflecting polarizing plate ... is inclined to an alignment direction ..." (line 17) (emphasis added). According to the specification and drawings, all the polarizing plate, the phase plate and alignment layers are parallel to each other; therefore, those axis cannot be inclined as claimed, those axis are just different from each other by angles set as forth in claim 2. Correction to the language is suggested to clarify the claimed subject matter.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi et al., US Patent No. 6,067,136.

Regarding the above claims, Yamaguchi et al. disclose a liquid crystal display (LCD) device comprising:

- an LCD cell (10) having a pair of transparent substrates (1, 2), a super twisted-nematic liquid crystal layer (6) therebetween, a pair of transparent electrodes (3, 4), a pair of alignment layers inherently forming on the pair of transparent electrodes; wherein the retardation value is 1600nm (col. 8, ln. 55).

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- a reflective polarizing film including a combination of a transparent scattering layer (13) and a light absorbing layer (14);
- a polarizing plate (11);
- a phase plate (12) having a retardation value of 1600nm (col. 8, ln. 57);
- an absorption axis of the polarizing plate is different from a delay axis of the phase plate, the delay axis of the phase plate is different from an alignment direction of the upper alignment layer and an absorption axis of the reflecting polarizing plate is different from an alignment direction of the lower alignment layer by angles as claimed (figure 2).

Yamaguchi et al. do not disclose a black layer of an acrylic resin as a light absorbing layer. However, it is notoriously well known in the art that black layer of an acrylic resin based material is one of such materials commonly used for the light absorbing layer in the liquid crystal display art. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to use a black layer of an acrylic resin for the Yamaguchi et al. light absorbing layer (14) because the use of one conventional material over another merely depends on the desire of the manufacturer and/or the availability and practicality of the material for the chosen manufacturing process.

Conclusion


7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Dung Nguyen whose telephone number is (703) 305-0423. The fax phone number for this Group is (703) 308-7722.

Any information of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-0956.

DN
08/22/2001


William L. Sikes
Supervisory Patent Examiner
Group 2871